



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 17, 2004

City of Nezperce
Daniel M. Johnson, Clerk
PO Box 367
Nezperce, ID 83543

Re: SRBA Claim No. 85-4371

Dear Mr. Johnson:

The Department of Water Resources (IDWR) received the additional information regarding the above SRBA claim. After reviewing the documentation, IDWR determined that the original claim needs to be amended again and a second claim is needed.

The evidence submitted suggests that there were two wells drilled. It seems that the first well was drilled in 1905. I have enclosed for your review, an Amended Notice of Claim for water right no. 85-4371. This amended claim claims a priority date of January 1, 1905 and 0.09 cfs (40 gallons per minute) and adds "municipal storage" and "municipal from storage" to the purpose of use. Adding storage is necessary in order to allow the city to continue to pump and store water for its residents.

The Department is not sure when the second well was drilled but based on the Sanborn Fire Insurance maps we reviewed, it was drilled between 1910 and 1929. I have enclosed an unnumbered claim for this second well. Please fill in the earliest priority date that you believe the city can support for this second well. This claim claims a total quantity of 0.07 cfs (30 gallons per minute) and also adds storage as a use. Please

review the other elements for this claim and if they are satisfactory, please execute the claim.

Please return the executed amended claim and the new claim to Carter Fritschle, IDWR at 322 E Front Street, Boise ID 83720 by December 24, 2004.

I.

At this time, the evidence you submitted supports a maximum of 70 gallons per minute for the two claims combined. The Sanborn maps actually support a little less water, however, the other documentation concerning the history of settlement on the prairie allows the Department to recommend the 70 gallons per minute between the two claims. You have requested over 400 gallons per minute; however, there is not enough documentation to support that claim. If you can provide evidence of when the additional 330 gallons per minute were developed, perhaps additional claims could be filed to support that use.

If you have any questions, please call Carter Fritschle or me at (208) 287-4800

Very Truly Yours,



Candice M. McHugh
Deputy Attorney General, IDWR

Enclosures

cc: Carter Fritschle, IDWR